

HOUSE JOINT RESOLUTION 919

By Odom

A RESOLUTION relative to the Tennessee-Georgia boundary.

WHEREAS, action recently taken by our good friends in the Georgia General Assembly constitutes an assault on the sanctity of the borders of our great State of Tennessee; and

WHEREAS, our legislative neighbors to the south have passed ill-conceived legislation alleging a boundary dispute between Georgia and Tennessee at the 35th Parallel and purporting to settle such dispute by the creation of a Boundary Line Commission composed of legislators from both States; and

WHEREAS, the Peach State alleges that erroneous surveys conducted in 1818 and 1826 with antiquated equipment have deprived Georgia of a tiny sliver of the Tennessee River; and

WHEREAS, this General Assembly realizes that the Tennessee-Georgia boundary has been well established for nearly 200 years, and that there is no valid reason for Tennessee to revisit this issue; and

WHEREAS, in addition to the doctrine of adverse possession, in which long-term possession of real property trumps survey boundaries, all other pertinent legal precedent favors the Volunteer State, just as good fortune often smiles upon the righteous; and

WHEREAS, the United States Supreme Court, the highest court in the land, has held in *Oklahoma vs. Texas* that there is a “general principle of public law” that, as between States, a “long acquiescence in the possession of territory under a claim of right and in the exercise of dominion and sovereignty over it, is conclusive of the rightful authority” and has held in *Georgia vs. South Carolina* that “long acquiescence in the practical location of an interstate boundary, and possession in accordance therewith, often has been used as an aid in resolving boundary disputes” between States; and

WHEREAS, this General Assembly understands that original jurisdiction in boundary disputes between the several States of this great nation resides with the United States Supreme Court, not some entity arbitrarily established by the Georgia legislature via resolution; and

WHEREAS, the State of Tennessee elects to take the high road relative to this mythical dispute, instead of becoming embroiled in an election-year ploy initiated by the Georgia General Assembly through legislation which, while purporting to settle a boundary dispute in a friendly manner, is actually nothing but a veiled attempt to commandeer the resources of the Tennessee River for the benefit of water-starved Atlanta, which is either unable or unwilling to control its reckless urban sprawl; and

WHEREAS, instead of engaging in such political rhetoric, this General Assembly is presently considering substantive measures to address Tennessee's water supply and water shortages; perhaps our neighbors to the south should do the same; and

WHEREAS, in the face of Georgia's heinous assault on the sovereignty of Tennessee, this General Assembly must act expeditiously and with authority to protect the borders of our State for present and future generations; now, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that on behalf of the State of Tennessee and all Tennesseans, this General Assembly refuses to participate in the Boundary Line Commission purportedly established by the Georgia General Assembly, or any similar commission established for such purpose.

BE IT FURTHER RESOLVED, that it is the sense of this General Assembly that the Tennessee-Georgia boundary has been properly established since 1818.

BE IT FURTHER RESOLVED, that enrolled copies of this resolution be delivered to the Speaker of the House of Representatives and the President of the Senate of the Georgia General Assembly.